



IFW 1641

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: ) Art Group: 1641  
                            ) )  
Bach et al.              ) Examiner: Jacob Cheu  
                            ) )  
Serial Number: 09/845,489 ) )  
                            ) )  
Filed: April 30, 2001    ) )  
                            ) )  
Entitled: MICRO-ARRAY    ) )  
         EVANESCENT WAVE    ) )  
         FLUORESCENCE DETECTION ) )  
         DEVICE             ) )  
                            ) )

RESPONSE TO NON-COMPLIANT AMENDMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

Honorable Commissioner:

Kindly accept this response to a non-compliant amendment.

Respectfully Submitted

Clifford H. Kraft  
35,229  
Attorney of Record



CORRESPONDENCE ADDRESS

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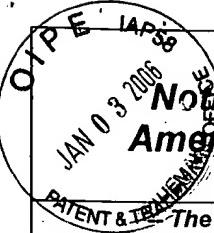
708 528-9092 tel.

This paper is being filed by United States First Class Mail addressed to Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313 with sufficient postage by Clifford Kraft on:

Date: DEC 29, 2005

Signature: Clifford Kraft

CLIFFORD KRAFT



## Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.

09/845,489

Applicant(s)

Bach et al.

Examiner

J. Chen

Art Unit

1641

The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

The amendment document filed on 12/12/2005, is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- 1. Amendments to the specification:
  - A. Amended paragraph(s) do not include markings.
  - B. New paragraph(s) should not be underlined.
  - C. Other \_\_\_\_\_.
- 2. Abstract:
  - A. Not presented on a separate sheet. 37 CFR 1.72.
  - B. Other \_\_\_\_\_.
- 3. Amendments to the drawings:
  - A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - C. Other \_\_\_\_\_.
- 4. Amendments to the claims:
  - A. A complete listing of all of the claims is not present.
  - B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - D. The claims of this amendment paper have not been presented in ascending numerical order.
  - E. Other: \_\_\_\_\_.
- 5. The amendment is unsigned or not signed in accordance with 37 CFR 1.4.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/ropa/preognotice/officeflyer.pdf>.

### TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121 or 1.4, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

**Failure to timely respond** to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

*Francine T. Mercer*  
Francine T. Mercer  
Legal Instruments Examiner (LIE)

571-272-0541

Telephone No.